

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MALCOLM WIENER,

Plaintiff,

v.

**MIB GROUP, INC., and JONATHAN
SAGER,**

Defendants.

Case No. 1:22-cv-10799

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT
WITH PREJUDICE**

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), Defendants MIB Group, Inc. ("MIB") and Jonathan Sager ("Sager") respectfully move to dismiss all claims in Plaintiff Malcolm Wiener's First Amended Complaint ("FAC," ECF No. 16) because the FAC fails to state a claim upon which relief can be granted. The grounds and legal authority are set forth in the accompanying memorandum.

Pursuant to Local Rule 7.1.(a), Kristin Madigan and Jacob Canter, counsel for Defendants, conferred with Megan Deluhery, plaintiff's counsel, via Microsoft Teams (video call) and via email and requested plaintiff consent to this motion. Plaintiff did not consent.

Dated: July 29, 2022

Respectfully submitted,

/s/ Kristin Madigan

Kristin Madigan (Cal. Bar No. 233436)

Admitted pro hac vice

Jacob Canter (Cal. Bar No. 324330)

Admitted pro hac vice

Crowell & Moring LLP

3 Embarcadero Center, 26th Floor

San Francisco, CA 94111
Tel: 1.415.365.7233
Fax: 1.415.986.2827
Email: kmadigan@crowell.com
Email: jcanter@crowell.com

Lauren J.R. Nunez (BBO No. 687390)
Crowell & Moring LLP
1001 Pennsylvania Avenue NW
Washington, D.C. 20004
Tel: 1. 202.624.2500
Fax: 1. 202.628.5116
Email: lnunez@crowell.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the Electronic Case Filing system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and first-class mail or email copies will be sent to those indicated as non-registered participants, on July 29, 2022.

Dated: July 29, 2022

/s/ Kristin Madigan
Kristin Madigan